REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants thank Examiner Hon of the U.S. Patent and Trademark Office for her time and consideration in discussing the present application with Applicants' representative on August 26, 2004. During the discussion, Applicants' representative pointed out differences between aspects of the present invention and the applied art. In light of the current claim amendments, it is believed that the claims are further distinguishable from the applied art for at least the reasons discussed below.

Applicants respectfully request the Examiner to acknowledge the foreign priority claim in the present application, as well as receipt of the certified copies of Japanese Patent Application Nos. 11-29322, 11-29381 and 11-67444.[1]

By the above amendments, claim 13 has been canceled, and the features thereof have been incorporated into claim 1. In addition, newly added claim 14 recites that the density of the particles is in a range of 200 to 2000 particles/m^2. Support for new claim 14 can be found in the specification at the paragraph bridging pages 14 and 15. Entry of the above amendments is proper at least because a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

In the Official Action, claims 1-3, 5 and 7-12 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,747,152 (*Oka et al*) in view of U.S. Patent No. 3,614,199 (*Altman*). Without addressing the propriety of the above rejection, it is noted that the rejection is moot in light of the incorporation of the features of claim 13 into claim 1. In

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[1] The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.494 or 1.495 issued by the Patent Office on September 13, 2001, indicates that the Patent Office is in receipt of the priority documents.

this regard, claim 13 has not been rejected in the above rejection. Accordingly, for at least this reason, withdrawal of the rejection is respectfully requested.

Claims 4, 6 and 13 stand rejected under 35 U.S.C. §103(a) as being obvious over *Oka et al* in view of *Altman* and further in view of U.S. Patent No. 2,354,049 (*Palmquist*). Withdrawal of the above rejection is respectfully requested for at least the following reasons.

According to one aspect defined by claim 1, a film having a high transmittance and matt property is provided, comprising, on a transparent support, a hard coat layer having incorporated therein particles of a particle size of 1.0 to 10 μm that is larger than the thickness of the hard coat layer thereby providing a concavo-convex structure, and a low-refractive-index layer having a refractive index of 1.45 or less and covering said hard coat layer, wherein the low-refractive index layer covering the hard coat layer maintains said concavo-convex structure formed by incorporating said particles in the hard coat layer, and wherein the film has a haze value of 1.0 % or more, and a total transmittance of light of 93.5 % or more, and wherein a density of the particles is in a range of 100 to 5000 particles/m^2.

The combination of *Oka et al* and *Altman* does not render claim 1 *prima facie* obvious. In this regard, now canceled claim 13 has not been rejected based on the combination of *Oka et al* and *Altman*. As discussed above, the features of now canceled claim 13 have been incorporated into claim 1. Neither *Oka et al* nor *Altman* discloses or suggests a film having a high transmittance and matt property comprising a hard coat layer having incorporated therein particles, wherein a density of the particles is in a range of 100 to 5000 particles/m^2, as is now recited in claim 1. This deficiency with respect to *Altman* is acknowledged at page 6 of the Official Action.

Palmquist fails to cure the above-described deficiencies of *Oka et al* and *Altman*. For example, like *Oka et al* and *Altman*, *Palmquist* does not disclose or suggest a hard coat layer

having incorporated therein particles, wherein a density of the particles is in a range of 100 to 5000 particles/m^2. By comparison, *Palmquist* discloses employing transparent spheres in an amount of several hundred, at least, per square inch (page 2, right column, lines 74 and 75). When converted to particles per square meter for comparison with the claimed particle density range, the particle density range disclosed by *Palmquist* is at least about 450,000 particles/m^2. [2] In stark contrast with the claimed particle density range, the lower endpoint of the particle density range disclosed by *Palmquist* is 90 (ninety) times greater than the recited upper endpoint of the claimed particle density range. Clearly, *Palmquist* has no recognition of the claimed particle density range.

Moreover, *Palmquist* discloses that excellent results are obtained by employing a particle density range "upwards of 10,000 per square inch" (page 3, left column, lines 6-10). Thus, at best, *Palmquist* teaches that <u>increasing</u> the particle density range yields excellent results. In light of such teaching, it is apparent that one of ordinary skill in the art would not have been motivated to modify *Palmquist* to <u>decrease</u> the particle density range, let alone to a range of 100 to 5000 particles/m^2 as recited in claim 1.

Furthermore, Applicants submit that employing a particle density range of 100 to 5000 particles/m^2 as recited in claim 1 can, for example, enable the reduction of unevenness of a display due to thermal expansion of a light-tuning film, and/or unevenness of brightness in connection with a light-tuning film. In stark contrast, *Palmquist* has no recognition that the particle density of the spheres thereof can be a result-effective variable for reducing unevenness of a display due to thermal expansion of a light-tuning film, and/or unevenness of brightness in connection with a light-tuning film. Rather, *Palmquist* relates to a backless

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[2] The American Heritage College Dictionary, 3rd Ed., defines the word "several" as "being of a number more than two or three but not many". In light of such definition, it is apparent that the meaning of the phrase "several hundred" disclosed by *Palmquist* is "three or four hundred".

reflex light reflector for use in a highway "stop" sign, and is not concerned with reducing unevenness of a display due to thermal expansion of a light-tuning film, and/or unevenness of brightness in connection with a light-tuning film. As such, it is clear that absent an improper resort to Applicants' own disclosure, one of ordinary skill in the art would not have been motivated to modify *Palmquist* by employing the claimed particle density range.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the above §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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